

## Message Text

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C O N F I D E N T I A L SEOUL 5305

EO 11652 GDS

TAGS: PINT, PINS, KS

SUBJ: COURT-MARTIAL TRIALS AND DEFENSE LAWYERS

REF A STATE 173675 B. SEOUL 5259 C. SEOUL 5304

1. IN COURSE OF CONVERSATION WITH AMBASSADOR REGARDING COURT-MARTIAL TRIALS, COMMODORE LEE YANG WOO, COURT-MARTIAL SPOKESMAN, REPORTED THAT THREE DEFENSE LAWYERS WHO HAD APPEARED BEFORE COURT-MARTIAL BOARDS HAD BEE DETAINED AT ONE TIME OR ANOTHER AND THAT TWO HAD BEEN RELEASED AFTER INTERROGATION. LAWYER KANG SHIN OCK, WHO DEFENDED POET KIM CHI HA, IS ONLY LAWYER WHO WAS ACTUALLY ARRESTED AND IS BEING TRIED. COMMODORE LEE MADE FOLLOWING COMMENTS ABOUT EACH OF THE THREE LAWYERS.

2. KANG SHIN OCK: LAWYER KANG WAS NOT ARRESTED AS RUMORED ACCORDING TO COMMODORE LEE SIMPLY BECAUSE HE WAS COUNSEL FOR KIM CHI HA. RATHER, HE HAD BEEN CHARGED WITH CONTEMPT OF COURT. LEE SAID KIM SPOKE OUT AT THE CLOSE OF THE KIM CHI HA AND NFDYS STUDENT TRIAL SAYING THAT THESE DEFENDANTS WERE PATRIOTS, THAT THE JUDGES DID NOT HAVE AUTHORITY TO CONVICT THEM, AND THAT WHEN THE WORLD CHANGED THE JUDGES WOULD BE CHANGING SEATS WITH THE STUDENTS. BECAUSE OF THIS STATEMENT, AND HIS CHARGE THAT THE COURT-MARTIAL WAS INVALID, LAWYER

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KANG WAS CURRENTLY BEING TRIED WITH THE LATEST GROUP

OF 61 NFDYS DEFENDANTS WHOSE SENTENCES ARE TO BE  
ANNOUNCED AUG 14, (REF C).

3. IM KWANG KYU: LAWYER IM WHO DEFENDED BISHOP CHI  
WAS INTERROGATED FOLLOWING BISHOP CHI'S TRIAL FOR  
"ENTICING" THE BISHOP INTO DRAFTING HIS "STATEMENT OF  
CONSCIENCE" (SEOUL-4854). ACCORDING TO LEE, IM TOLD  
THE BISHOP THAT IF HE WERE COURT-MARTIALED HE WOULD BE  
CONDEMNED TO DEATH AND THAT THEREFORE HE SHOULD MAKE  
A STATEMENT DECOUNCING THE ROKG CONSTITUTION AND THE  
COURT-MARTIAL TRIALS. IM THEN DRAFTED THE BISHOP'S  
STATEMENT WHICH ACCORDING TO LEE DENIED CONSTITUTIONAL  
ORDER. IM WAS INVESTIGATED. IT WAS DECIDED HOWEVER,  
THAT LAWYER IM DID NOTHING DIRECTLY TO SUBVERT THE  
CONSTITUTION; THEREFORE HE WAS RELEASED.

4. HONG SO GUN: A DEFENSE LAWYER FOR SEVERAL STUDENTS  
INCLUDING YU IN TAE AND YU CHUNG NAM, LAWYER HONG  
WAS DETAINED, QUESTIONED, AND LATER RELEASED AFTER THE  
CONCLUSION OF THE FIRST MAJOR NFDYS TRIAL. ACCORDING TO LEE,  
HONG STATED IN COURT THAT IN SOME CASES NORTH KOREAN RADIO  
BROADCASTS CARRIED THE TRUTH AND THAT CONTRARY TO KOREAN LAW  
IT WAS NO REAL CRIME TO LISTEN TO DPRK RADIO PROPAGANDA.  
COMMODORE LEE CLAIMED THAT LAWYER HONG KNEW BETTER THAN  
TO SPEAK AGAINST ROKG LAWS AND COULD NOT CLAIM IMMUNITY  
JUST BECAUSE HE WAS A LAWYER. HIS STATEMENT HAD BEEN  
UNPRECEDENTED AND THE NATIONAL BAR ASSOCIATION HAD  
APOLOGIZED TO THE MINISTRY OF NATIONAL DEFENSE FOR IT.  
HIS OFFENSE HAD NOT BEEN CONSIDERED SUFFICIENTLY GREAT  
TO ARREST AND TRY HIM, HOWEVER.

5. WE ARE CONTINUING TO CHECK CHRISTIAN SOURCES  
FOR FURTHER INFORMATION REGARDING THE DEFENSE LAWYERS  
AND WILL REPORT ASAP.  
HABIB

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